

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LUCIO GARCIA-SALAS,  
Petitioner,

CASE NO. 2:05-cv-125  
CRIM. NO. 2:02-cr-164  
JUDGE MARBLEY  
MAGISTRATE JUDGE KING

v.

UNITED STATES OF AMERICA,  
Respondent.

**OPINION AND ORDER**

On October 25, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be dismissed for failure to comply with the one-year statute of limitations imposed by 28 U.S.C. §2244(d). Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This action is **DISMISSED** for failure to comply with the one-year statute of limitations.

s/Algenon L. Marbley  
ALGENON L. MARBLEY  
United States District Judge